

# Exhibit H

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. **2007-1546**

Lucent Tech

v.

Gateway

**DOCKETING STATEMENT**

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing.

Name of party you represent Microsoft Corporation

Party is (select one) ☐ Appellant/Petitioner ☒ Cross-Appellant  
☐ Appellee/Respondent ☐ Intervenor

Tribunal appealed from and case no. USDC of So. Cal. Case No. 02-CV-2060

Date of judgment/order Please see attached Type of case Patent

Relief sought on appeal Please see attached.

Relief awarded below (if damages specify) Please see attached.

Briefly describe the judgment/order appealed from Please see attached.

Nature of judgment (select one)

☐ Final judgment, 28 USC 1295

☒ Rule 54(b)

☐ Interlocutory order (specify type) \_\_\_\_\_

☐ Other (explain – see Fed. Cir. R. 28(a)(5)) \_\_\_\_\_

Name and docket no. of any related cases pending before this court 2007-1546

Brief statement of the issues to be raised on appeal Please see attached.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

☐ Before the case was filed below?

☒ During the pendency of the case below?

☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom? A mediation was held with Mag. Judge Bencivengo in 7/2006.

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

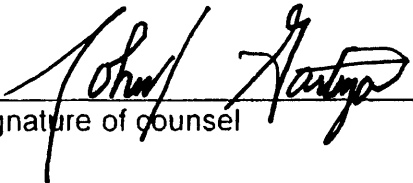
If you answered no, explain why not Lack of common ground.

Provide any other information relevant to the inclusion of this case in the court's mediation program N/A

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the U.S. Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 25 day of September, 2007

by: Telefax and electronic mail.  
(manner of service)

John Gartman  
Name of counsel

  
Signature of counsel

Law firm Fish & Richardson P.C.

Address 12390 El Camino Real

City, State and ZIP San Diego, CA 92130

Telephone (858) 678-5070

Fax # (858) 678-5099

E-mail address JGartman@fr.com

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
Case No. 2007-1546  
Lucent Tech v. Gateway

**Attachment to  
DOCKETING STATEMENT**

**Date of judgment/order:**

1. The order for U.S. Patent for U.S. Patent No. 5,341,457, issued on August 6, 2007
2. The order for U.S. Patent for U.S. Patent No. RE 39,080, issued on August 6, 2007

**Relief Sought on Appeal:**

1. Affirm District Court's judgment regarding no infringement, no damages, and, in the alternative, a new trial; reverse or vacate District Court's judgment regarding claim construction, validity, implied license and exhaustion on U.S. Patent No. 5,341,457.
2. Affirm District Court's judgment regarding joint ownership, no standing, license, noninfringement of the Cyberlink encoder, and no damages of U.S. Patent No. RE39,080, and, in the alternative, a new trial; reverse or vacate District Court's judgments regarding claim construction, infringement, intervening rights, broadening reissue, recapture, error warranting reissue, inequitable conduct, and validity of U.S. Patent No. RE39,080.

**Relief awarded below (if damages specify):**

1. Judgment as a matter of law of no infringement of U.S. Patent No. 5,341,457, or in the alternative a new trial.
2. Judgment as a matter of law of no standing and license for U.S. Patent No. RE39,080, or in the alternative a new trial.

**Briefly describe the judgment/order appealed from:**

1. Regarding U.S. Patent No. 5,341,457, the District Court entered judgment of no direct infringement, no indirect infringement, Lucent is not entitled to damages sought, no exhaustion, and no invalidity.
2. Regarding U.S. Patent No, RE39,080, the District Court entered judgment that Fraunhofer is a co-owner, Lucent lacks standing, Microsoft has a license, Lucent is not entitled to damages sought, no inducing infringement, no exhaustion, and no invalidity.

**Brief statement of the issues to be raised on appeal:**

1. Regarding U.S. Patent No. 5,341,457, the issues to be raised on appeal are patent issues relating to claim construction, infringement, exhaustion, validity, enforceability and damages.
2. Regarding U.S. Patent No, RE39,080, the issues to be raised on appeal are standing, licensing, and patent issues relating to claim construction, infringement, exhaustion, validity, enforceability and damages.
3. A complete list of the issues is contained in Microsoft's notice of cross appeal, which was filed on September 18, 2007.

## **CERTIFICATE OF SERVICE**

It is hereby certified that true and correct copies of the attached **DOCKETING STATEMENT** were filed by facsimile transmission with the court, and the signed originals and appropriate number of copies of these documents have been mailed or shipped for delivery to the clerk and the parties.

### **VIA HAND DELIVERY**

Mr. Jan Horbaly, Clerk of Court (original + 2 copies)  
United States Court of Appeals for the Federal Circuit  
717 Madison Place N.W., Suite 401  
Washington, D.C. 20439  
Telephone: 202-633-6550  
Facsimile: 202-633-9623

Further, it is hereby certified that true and correct copies of the attached **DOCKETING STATEMENT** were caused to be served on the attorneys of record at the following addresses as indicated:

### **VIA FACSIMILE AND ELECTRONIC MAIL**

Alison P. Adema  
Hahn & Adema  
501 West Broadway, Suite 1600  
San Diego, CA 92101  
Telephone: (619) 235-2100  
Facsimile: (619) 235-2101  
Email: [aadema@hahnadema.com](mailto:aadema@hahnadema.com)

Attorneys for Plaintiff-Appellant,  
LUCENT TECHNOLOGIES,  
INC. and MULTIMEDIA  
PATENT TRUST

David J. Zubkoff  
Seltzer, Caplan, McMahon & Vitek  
750 B Street, Suite 2100  
San Diego, CA 92101  
Telephone: (619) 685-3003  
Facsimile: (619) 702-6827  
Email: [zubkoff@scmv.com](mailto:zubkoff@scmv.com)

Attorneys for Defendants- Cross-  
Appellants, GATEWAY, INC., et  
al.

James S. Blackburn  
Arnold & Porter LLP - (L.A.)  
777 S. Figueroa Street, 44th Floor  
Los Angeles, CA 90017  
Telephone: (213) 243-4000  
Facsimile: (213) 243-4199  
Email: [james\\_blackburn@aporter.com](mailto:james_blackburn@aporter.com)

Attorneys for Defendant-Cross  
Appellant, DELL, INC.

**VIA ELECTRONIC MAIL**

John M. Desmarais / Alan Kellman  
Paul Bondor / Gregory Corbett  
Wendy Adams  
Kirkland & Ellis LLP  
Citicorp Center  
153 East 53<sup>rd</sup> Street  
New York, NY 10022-4675  
Email: [jdesmarais@kirkland.com](mailto:jdesmarais@kirkland.com);  
[akellman@kirkland.com](mailto:akellman@kirkland.com);  
[pbondor@kirkland.com](mailto:pbondor@kirkland.com);  
[gcorbett@kirkland.com](mailto:gcorbett@kirkland.com);  
[wadams@kirkland.com](mailto:wadams@kirkland.com);  
[jmafare@kirkland.com](mailto:jmafare@kirkland.com)

Attorneys for Plaintiff- Appellant  
LUCENT and MULTIMEDIA  
PATENT TRUST

Ephraim D. Starr  
Kirkland & Ellis LLP  
777 South Figueroa Street  
Los Angeles, California 90017-5800  
Email: [estarr@kirkland.com](mailto:estarr@kirkland.com)

Attorneys for Plaintiff-Appellant  
LUCENT and MULTIMEDIA  
PATENT TRUST

Bryan Farney / Steven R. Daniels  
Jeffrey B. Plies / Lawrence Fluker  
DECHERT LLP  
300 W. Sixth Street, Suite 1850  
Austin, TX 78701  
Email: [bryan.farney@dechert.com](mailto:bryan.farney@dechert.com);  
[Steven.daniels@dechert.com](mailto:Steven.daniels@dechert.com);  
[jeff.plies@dechert.com](mailto:jeff.plies@dechert.com);  
[lawrence.fluker@dechert.com](mailto:lawrence.fluker@dechert.com)

Attorneys for Defendants-Cross-  
Appellants, GATEWAY, INC., et  
al.



Ali R. Sharifahmadian  
Matthew Bathon  
Arnold & Porter LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004-1206  
E-mail:  
[ali\\_sharifahmadian@aporter.com](mailto:ali_sharifahmadian@aporter.com);  
[Matthew\\_Bathon@aporter.com](mailto:Matthew_Bathon@aporter.com);  
[Thomas\\_Wischer@aporter.com](mailto:Thomas_Wischer@aporter.com)

Attorneys for Defendant-Cross  
Appellant, DELL, INC.

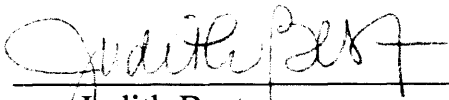
Joel Freed  
Natalia V. Blinkova  
McDermott Will & Emery LLP  
600 13th Street, N.W.  
Washington, DC 20005-3096  
Email: [jfreed@mwe.com](mailto:jfreed@mwe.com);  
[nblinkova@mwe.com](mailto:nblinkova@mwe.com)

Attorneys for Defendant-Cross  
Appellant, DELL, INC.

Leonard D. Conapinski  
McDermott Will & Emery 1,1,P  
227 West Monroe Street  
Chicago, 11, 60606-5096  
[lconapinski@mwe.com](mailto:lconapinski@mwe.com)

Attorneys for Defendant-Cross  
Appellant, DELL, INC.

Dated: 9/24/07

  
Judith Best